

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

1/16/14

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DEVORAH CRUPAR-WEINMANN, :
individually and on behalf of all :
others similarly situated, :
:
Plaintiff, : 13 Civ. 7013 (JSR)
:
-v- :
: ORDER
PARIS BAGUETTE AMERICA, INC. d/b/a :
Paris Baguette, :
:
Defendant. :
----- x

JED S. RAKOFF, U.S.D.J.

Plaintiff Devorah Crupar-Weinmann brings this action, individually and on behalf of those similarly situated, against defendant Paris Baguette America, Inc., alleging willful violation of the Fair and Accurate Credit Transactions Act ("FACTA") of 2003, Pub. L. No. 108-159, 117 Stat. 1952 (codified as amended in 15 U.S.C. § 1681c(g)), which amended the Fair Credit Reporting Act. Specifically, plaintiff alleges that defendant knowingly or recklessly violated FACTA by providing her with a receipt that contained the full expiration date of her credit card. Plaintiff, both for herself and on behalf of her putative class, seeks statutory and punitive damages as prescribed for willful violations under FACTA, as well as costs and reasonable attorneys' fees.

On November 18, 2013, defendant filed a motion to dismiss the Complaint under Federal Rule of Civil Procedure 12(b) (6).

Defendant moves for dismissal primarily on the basis that the Complaint fails to plead sufficient facts to plausibly show that the defendant willfully violated FACTA. On January 6, 2014, following the parties' briefing, the Court heard oral argument on this motion.

After careful consideration of the parties' briefing and arguments, and for reasons to be explained in a forthcoming written opinion, the Court hereby grants defendant's motion to dismiss. The Court stays the case until it issues an opinion explaining the reasons for this Order, at which time entry of final judgment will be ordered. The Clerk of the Court is directed to close document number 10 in the docket of this case.

SO ORDERED.

Dated: New York, New York
January 15, 2014



JED S. RAKOFF, U.S.D.J.